

REMARKS

Claims 1 and 28 have been amended. Accordingly, claims 1-3, 6-7, 9-13, 15-17, 19, 20, 23, 24, and 27-39 are pending and hereby submitted for further prosecution. Favorable reconsideration of the application is requested in light of the foregoing amendments and the remarks that follow.

§112 Rejection of claims 28

Claim 28 stands rejected under 35 U.S.C. §112, second paragraph. The Examiner states that there is no antecedent basis for "said entire bottom edge of the top portion". Claim 28 has been amended to recite a bottom edge of the top portion. In view of the amendments, withdrawal of the section 112 rejection is requested.

§§ 102(b) and 103(a) Rejections

Claims 1-3, 6, 7, 9, 17, 29-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Whitton '516 in view of Caponi '705. Claim 1 recites "wherein the light housing is offset from the midline in a direction away from the clearance increasing portion." Neither Whitton nor Caponi discloses a light housing offset from the midline in a direction away from the clearance increasing portion as described in claim 1. Whitton shows a stiffening bar 5 that connects one fender to another. Neither the stiffening bar 5 nor the front plate 10 are offset from the midline in a direction away from the clearance increasing portion. Similarly, Caponi fails to disclose a light housing offset from the midline in a direction away from the clearance increasing portion.

Claim 17 recites "wherein the clearance increasing portion is concave."

Neither Whitton nor Caponi disclose a concave clearance increasing portion. "Concave is

defined as "curved like the inner surface of a sphere." The American Heritage Dictionary of the English Language, Fourth Edition. Although the Examiner originally recognized this novel feature of the invention, he now finds that Figure 1 of Whitton shows a concave clearance increasing portion. Applicant respectfully disagrees. In Figure 1, Whitton shows a fender that slopes downward along a straight line. The decline is not curved and cannot reasonably be considered concave. For the same reasons, Claims 34 and 35 are not anticipated by Whitton.

Claims 1-3, 6, 9-13, 15-17, 19, 20, 23, 24 and 27-39 are rejected as being obvious over Poveromo '644⁶⁶⁴ in view of Poveromo '749. Poveromo '644⁶⁶⁴ discloses a boat trailer with a fender 22 (shown in Figure 4) having a base 32 integrally constructed on top of a semi-circular portion 34. The Poveromo device needs base 32 to support bar 50, which ultimately supports a lamp 62 thereon. Claim 1, as amended, recites a fender "wherein the light housing is attached to the curved surface of the top portion" of the fender. Poveromo '644 does not show the light housing attached to the curved surface of the top portion of the fender. In fact, the lamp 62 in Poveromo cannot be attached to the curved semi-circular portion 34 of the fender because the base 32 is attached thereon. In Poveromo, lamp 62 is attached to the end 60 of the bar 50, which is not curved and is spaced apart from the semi-circular portion 34. Accordingly, Claim 1 is patentably distinguishable from Poveromo '644. Poveromo '749 has been cited to "better show the prior art of a light housing base conformed to the curved surface of the top portion of a fender as claimed." However, as with Poveromo '644⁶⁶⁴, Poveromo '749 does not show a light housing attached to the curved surface of the top portion of the fender. Rather, the light housing is attached to a straight portion of the fender. Note that the Poveromo devices cannot be altered to attach the light housing to a curved surface because, given that

Serial No. 09/557,459

Page - 6 -

the light housing is an extended bar having a light at the end thereof, if the bar was attached to a curved section, the bar would not extend outward in a straight line.

In view of the amendments to the claims and the foregoing remarks, it is believed that all claims are in condition for allowance. Reconsideration of all rejections and a notice of allowance are respectfully requested. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned attorney at the phone number listed below.

Respectfully submitted,

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Date

Kathy Mojibi

Kathy Mojibi

Reg. No. 41,409

JEFFER, MANGELS, BUTLER & MARMARO LLP

Seventh Floor

1900 Avenue of the Stars

Los Angeles, CA 90067

Tel: (310) 203-8080

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

Please amend the paragraph beginning on page 7, line 25 with the following:

Preferably, the bottom edge 26a of the inner vertical wall 26, the bottom edge 20c of the top portion 20, and the bottom edge 22a of the clearance increasing portion 22 lie in a common plane, thereby defining an opening 32 through which the tire 30 can protrude, as shown in Figures 6 and 7. Alternatively, the bottom edge 24a of the outer vertical wall [24a] 24 can lie in the same plane as the other bottom edges 20c, 22a and 26a, or the bottom edges 24a, 20c, 22a and 26a can lie in two or more different planes.

IN THE CLAIMS

Please amend the claims as follows:

1. (Thrice Amended) A fender having a longitudinal midline, and a light housing mounted to said fender offset from said midline, said fender further comprising:

- a) a top portion having a curved surface and opposed inner and outer edges, and wherein the light housing is attached to the curved surface of the top portion;
- b) a clearance increasing portion depending downwardly from said inner edge of said top portion at a first non-zero acute angle in a first plane, wherein the light housing is offset from the midline in a direction away from the clearance increasing portion, and
- c) an inner wall depending downwardly from said clearance increasing portion at a second non-zero acute angle in a second plane, wherein said top portion and said inner wall are oriented substantially perpendicularly, and wherein the first and second plane are non-coplanar.

28. (Thrice Amended) A fender having a longitudinal midline, said fender comprising:

- a) a light housing mounted to said fender offset from said midline,
- b) a top portion having opposed inner and outer edges and a bottom edge, wherein said top portion is curved radially downwardly in a longitudinal direction,
- c) a clearance increasing portion having a bottom edge, said clearance increasing portion depending downwardly from said inner edge of said top portion at a non-zero acute angle in a first plane,

d) an inner wall having a bottom edge, said inner wall depending downwardly from said clearance increasing portion at a non-zero acute angle in a second plane, wherein said top portion and said inner wall are oriented substantially perpendicularly, wherein the first and second planes are non-coplanar and wherein said angle formed by said top portion and said clearance increasing portion, and the angle formed by said clearance increasing portion and said inner wall add up to approximately 90° , and

e) an outer wall having a bottom edge, said outer wall depending downwardly from said outer edge of said top portion,

wherein said entire bottom edge of said clearance increasing portion, said entire bottom edge of said inner wall, said entire bottom edge of said top portion and said entire bottom edge of said outer wall all lie in a common plane.